



# Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 125.66(3), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that Okeechobee County has determined that Sec. 125.66(3), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 125.66(3), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, Okeechobee County may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

## Proposed ordinance’s title/reference:

**ORDINANCE NO. 2024-0006 – AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKEECHOBEE COUNTY, FLORIDA, AMENDING SECTION 66-48, OKEECHOBEE COUNTY CODE OF ORDINANCES; REQUIRING AS A COMPONENT OF THE REMOVAL AND STORAGE OF VEHICLES THAT WRECKER OPERATORS CAUSE THE REPAIR OF FENCE DAMAGED BY TOWED VEHICLES; PROVIDING THAT THE MAXIMUM RATES THAT MAY BE CHARGED BY WRECKER OPERATORS SHALL PROVIDE FOR THE RECOVERY OF THE COSTS OF SUCH REPAIR AS SPECIFIED IN THE COUNTY’S MAXIMUM RATE RESOLUTION; AND PROVIDING FOR FINDINGS, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.**

## Applicable Exemptions:

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the county government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - Development orders and development permits, as those terms are defined in s. 163.3164 and development agreements, as authorized by the Florida

Local Government Development Agreement Act under ss. 163.3220-163.3243;

- Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the county;
- Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

**Business Impact Estimate:**

**Okeechobee County hereby publishes the following information:**

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

Section 125.0103, Florida Statutes, requires the County to “establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property or which may be charged for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel”.

The County has adopted such maximum rates pursuant to Section 66-48, Okeechobee County Code of Ordinances.

There have been a number of instances within Okeechobee County where vehicles have damaged or destroyed fencing that pens livestock, such that if the damaged or destroyed fencing is not repaired, livestock could escape the fenced property onto the public roads or adjoining property.

As recognized by Chapter 588, Florida Statutes, and Section 10-8, Okeechobee County Code of Ordinances, livestock running at large on the public roads poses a great risk to life and property, and places significant cost burdens on the County and Sheriff’s Office.

Wrecker operators operating within the County are capable of causing and are best situated to cause the immediate repair of damaged or destroyed fencing in an expeditious manner in order to avoid the escape of livestock and the attendant risk to life and property, and to recover of the costs of such repair as a component of the removal and storage of vehicles.

This ordinance amends Section 66-48, Okeechobee County Code of Ordinances, to

provide that if a towed vehicle has damaged a fence such that it reasonably appears that livestock could escape the fenced property if the fence is not repaired, then as a component of the removal and storage of vehicles as regulated by this section, the wrecker operator shall cause the fence to be repaired in a workmanlike manner prior to the wrecker operator or its contractor leaving the scene.

This ordinance also provides that the resolution adopting maximum rates under Section 66-48 shall provide for the recovery of the costs of such repair as specified in the resolution. A companion resolution is also included on this agenda amending the maximum rate resolution to provide for the wrecker operator's recovery of the costs of such repair.

**2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the county, including the following, if any:**

**(a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

Minimal to none, as the ordinance provides for the wrecker operator's recovery of the costs of the required repair.

**(b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

None, as no charges or fees are paid to the County pursuant to this ordinance, and the ordinance provides for the wrecker operator's recovery of the costs of the required repair.

**(c) An estimate of the county's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

Minimal to none.

**3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:**

There are 2 wrecker operators that routinely operate in Okeechobee County at the present time.

**4. Additional information the governing body determines may be useful (if any):**

N/A

**Note:** Okeechobee County's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. Okeechobee County's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 125.66(3), Fla. Stat., Sec. 125.675, Fla. Stat., or any other relevant provision of law.